

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Shari Machesney,

Plaintiff,

v.

Case No. 10-10085

Lar-Bev of Howell, Inc., *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

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**ORDER**

Currently pending before this Court is an “Agreed Motion for Preliminary Approval Of Class Action Settlement” (D.E. No. 139), filed by Plaintiff’s Counsel.

This Court held a hearing on this matter on May 4, 2017. During that hearing, Counsel for Plaintiff’s stated that they did not have the data on hand, but would be able to obtain, data on the actual claims rates in other “B2B Cases” (TCPA cases that involved a fax advertisement having been sent by Caroline Abraham and/or her company, Business to Business Solutions) that counsel have settled, or otherwise prevailed in, within this district.

The Court hereby **ORDERS** that, no later than **May 15, 2017**, Plaintiff’s Counsel shall file a submission with the Court:

- 1) Identifying the total number of B2B Cases that counsel have filed in federal court;
- 2) Identifying the claims rate (ie., percentage of class members who actually filed a claim form) in each “B2B Case” that counsel have settled in this district; and
- 3) Identifying any cases (by district, case number, and case name) wherein a district court reviewing a proposed settlement in a B2B Case has performed a “lodestar

cross-check” before awarding attorney fees to counsel consisting of one-third of the settlement fund.

**IT IS SO ORDERED.**

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: May 5, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 5, 2017, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager